

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LARRY LEGGETT,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
 VETERANS AFFAIRS,

Defendant.

Case No. 2:22-cv-01823-APG-NJK

Order

[Docket No. 17]

Pending before the Court is Defendant's motion to stay discovery pending resolution of its motion for summary judgment. Docket No. 17; *see also* Docket No. 16 (motion for summary judgment). Plaintiff filed a response. Docket Nos. 18, 19. No reply is needed. The motion is properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed below, the motion to stay discovery is **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed absent a "strong showing" to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the underlying motion and is convinced that the plaintiff will be unable to prevail. *Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.

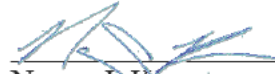
1 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and
2 inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

3 A stay of discovery is warranted in this case. Defendant's motion is potentially dispositive
4 of all of Plaintiff's claims. *See* Docket Nos. 1; 16. Further, Defendant's motion for summary
5 judgment relates entirely to a question of law and can be resolved without any additional discovery.
6 Finally, the undersigned's evaluation of the motion for summary judgment reveals that it is
7 sufficiently meritorious to justify a stay of discovery.¹

8 Accordingly, the motion to stay discovery is **GRANTED**. Docket No. 17. In the event
9 resolution of the motion for summary judgment does not result in the termination of this case, a
10 joint proposed discovery plan must be filed within 14 days of the issuance the order resolving the
11 motion for summary judgment.

12 IT IS SO ORDERED.

13 Dated: August 16, 2023

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16 Nancy J. Koppe
17 United States Magistrate Judge
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26 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
27 assigned district judge who will decide the underlying motions may have a different view of their
28 merits. *See Tradebay*, 278 F.R.D. at 603. This "preliminary peek" at the merits of the underlying
motions is not intended to prejudice their outcome. *See id.* As a result, the undersigned will not
provide a lengthy discussion of the merits of the underlying motions. Nonetheless, the undersigned
has carefully reviewed the arguments presented in the underlying motions and subsequent briefing.